

Wednesday, December 17, 2003 3:48 PM

Philip D. Freedman 703-313-9322

RECEIVED
CENTRAL FAX CENTER
p.61

DEC 17 2003

Application No. 09/938,763

RD-28250

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James N. Cawse

Serial No. 09/729,118 : Group Art Unit: 1627

Filed: December 4, 2000 : Examiner: J.D. Epperson

For PERMEABLE REACTOR PLATE AND METHOD

FACSIMILE TRANSMITTAL COVER SHEET

To: Examiner: J.D. Epperson
Group Art Unit: 1627
TC 1600
Fax Number Before Final - 703-872-9306

This transmission includes 18 pages (including cover sheet). When facsimile receipt is returned with this cover sheet, the USPTO acknowledges receiving the following documents:

- (1) Response to Non-Responsive Notice Communication (2 pages)
- (2) Supplemental Amendment (14 pages)
- (3) copy of Communication (1 page)

Respectfully submitted,



Philip D. Freedman
Reg. No. 24,163
Philip D. Freedman PC
Customer Number 25101
6000 Wescott Hills Way
Alexandria, Virginia 22315-4747
(703) 313-0171
Fax: (703) 313-9322
Email: tekесq@tekесq.com

Alexandria, Virginia
Dec 17 2003

Application No. 09/729,118

RECEIVED
RD-27953
CENTRAL FAX CENTER

DEC 17 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James N. Cawse

Serial No. 09/729,118

: Group Art Unit: 1627

Filed: December 4, 2000

: Examiner: J.D. Epperson

For PERMEABLE REACTOR PLATE AND METHOD

RESPONSE TO "NON-RESPONSIVE ELECTION
(BONAFIDE)" DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the December 12, 2003 "Non-Responsive Election (Bonafide)," (copy attached) please find a Supplemental Amendment.

Applicant is unable to recognize the exact nature of the PTO December 13, 2003 "Non-Responsive Election (Bonafide)" document. Applicant previously fully replied to the election requirement in this case. See Paper No. 5. Applicant believes that the document is intended to be a Rule 37 C.F.R. 1.134 Communication relating to a *bona fide*, but allegedly non-responsive Amendment. See MPEP 714.03 and 37 C.F.R. 1.135(c). If Applicant's belief is incorrect, the PTO is requested to reissue the document in the form of a correct office action, correctly titled, identifying applicable Rules and restarting the period for response.

The submission of this Supplemental Amendment within the one month period provided by the December 12, 2003 "Non-Responsive Election (Bonafide)" document, should overcome the "not-fully responsive" finding of the "Non-Responsive Election (Bonafide)" document.

In accordance with Rule 37 C.F.R. 1.134, no fee should be required. However,

Application No. 09/729,118

RD-27953

please credit or debit Deposit Account No. 500917 as needed to ensure consideration of the Supplemental Amendment. Two copies of this paper are attached.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Philip D. Freedman
Reg. No. 24,163
Philip D. Freedman PC
Customer Number 25101
(703) 313-0171
Fax: (703) 313-9322
Email: tekesq@tekesq.com

Alexandria, Virginia
Dec 17, 2003



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT PAPER

22

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Non-Responsive Election (Bona fide)

The reply dated September 18, 2003 (Paper No. 20) is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

Applicants did not address the rejection under 35 U.S.C. 112, first paragraph (see Paper No. 19, paragraph 7).

The examiner also notes that the appropriate fees must be paid to extend the time period for response.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Jon D. Epperson, Ph. D., Art Unit 1639, whose telephone number is (703) 308-2423.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Jon D. Epperson Ph.D.
Patent Examiner